



# Federal Register

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**Thursday,  
November 30, 2000**

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**Part XXVIII**

## **National Aeronautics and Space Administration**

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**Semiannual Regulatory Agenda**

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA)

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

## 14 CFR Ch. V

## Regulatory Agenda

**AGENCY:** National Aeronautics and Space Administration (NASA).

**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** NASA's regulatory agenda describes those regulations being considered for development or amendment by NASA, the need and legal basis for the actions being considered, the name and telephone number of the knowledgeable official,

whether a regulatory analysis is required, and the status of regulations previously reported. For this edition of NASA's regulatory agenda, the most important significant regulatory action is included in The Regulatory Plan, which appears in part II of this issue of the **Federal Register**. The Regulatory Plan entry is listed in the table of contents below and is denoted by a bracketed bold reference, which directs the reader to the appropriate sequence number in part II.

**ADDRESSES:** Acting Director, Management Assessment Division (Code JM), Office of Management Systems, NASA Headquarters, Washington, DC 20546.

**FOR FURTHER INFORMATION CONTACT:** Nanette Jennings, (202) 358-0819.

**SUPPLEMENTARY INFORMATION:** OMB guidelines dated June 29, 2000, "October 2000 Unified Agenda of Federal Regulatory and Deregulatory Actions," and Executive Order 12866 "Regulatory Planning and Review" require a regulatory agenda of those regulations under development and review be published in the **Federal Register** each April and October.

**Dated:** August 28, 2000.

**Marie K. Tynan,**  
*Acting Director, Management Assessment Division.*

## National Aeronautics and Space Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
3988	Nondiscrimination on the Basis of Race, Color, National Origin, Handicap, and Age in Programs and Activities Receiving Federal Financial Assistance .....	2700-AC41

## National Aeronautics and Space Administration—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
3989	Cross-Waiver of Liability .....	2700-AB51
3990	Meritorious Claims Arising From the Conduct of NASA Functions Under 42 U.S.C. 2473(C)(13) .....	2700-AC35
3991	NASA Standards of Conduct .....	2700-AC37
3992	Use of Small Self-Contained Payload .....	2700-AC39
3993	Code of Conduct for International Space Station Crew ( <b>Reg Plan Seq No. 149</b> ) .....	2700-AC40

References in boldface appear in the **Regulatory Plan** in Part II of this issue of the **Federal Register**.

## National Aeronautics and Space Administration—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
3994	Tracking and Data Relay Satellite System; Use and Reimbursement Policy for Non-U.S. Government Users .....	2700-AA29
3995	Miscellaneous Administrative Changes to the NASA Federal Acquisition Regulation Supplement (NFS) .....	2700-AC33
3996	Grant and Cooperative Agreement Handbook .....	2700-AC34

## National Aeronautics and Space Administration—Completed Actions

Sequence Number	Title	Regulation Identification Number
3997	Inspection of Persons and Personal Effects at NASA Installations or on NASA Property; Trespass or Unauthorized Introduction of Weapons or Dangerous Materials .....	2700-AC38
3998	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance .....	2700-AC42

## National Aeronautics and Space Administration (NASA)

## Proposed Rule Stage

**3988. • NONDISCRIMINATION ON THE BASIS OF RACE, COLOR, NATIONAL ORIGIN, HANDICAP, AND AGE IN PROGRAMS AND ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 794; 42 USC 2000d to 2000d-7; 42 USC 6101 to 6107; EO 12250**CFR Citation:** 14 CFR 1250; 14 CFR 1251; 14 CFR 1252**Legal Deadline:** None**Abstract:** NASA proposes to make amendments to its regulations implementing title VI of the Civil Rights Act of 1964 (title VI), section 504 of the Rehabilitation Act of 1972

(section 504), and the Age Discrimination Act of 1975 (Age Discrimination Act). Together, these statutes prohibit discrimination on the basis of race, color, national origin, disability, and age in programs or activities that receive Federal financial assistance. The amendments are being made as the results of added definitions of "program or activity" and "program" introduced by the Civil Rights Restoration Act (CRRRA) of 1988. The added definitions were designed to clarify the broad scope of coverage of recipients' programs or activities under the aforementioned statutes. NASA proposed regulations will be published as part of a joint Notice of Proposed Rulemaking involving up to 24 Federal agencies.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/00	
NPRM Comment Period End	01/00/01	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal**Agency Contact:** George E. Reese, Office of General Counsel, Code GG, National Aeronautics and Space Administration, NASA Headquarters, Code E, 300 E Street SW, Washington, DC 20546

Phone: 202 358-2167

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**RIN:** 2700-AC41

## National Aeronautics and Space Administration (NASA)

## Final Rule Stage

**3989. CROSS-WAIVER OF LIABILITY****Priority:** Info./Admin./Other**Legal Authority:** 42 USC 2473**CFR Citation:** 14 CFR 1266**Legal Deadline:** None**Abstract:** This provides technical amendments to implement the cross-waiver of liability provision of the intergovernmental agreement of the International Space Station and to refine and clarify contractual cross-waivers in NASA agreements involving launch services.**Timetable:**

Action	Date	FR Cite
Final Action	06/00/01	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Jay Steptoe, Associate General Counsel, National Aeronautics and Space Administration, Office of General Counsel, Code G, Washington, DC 20546

Phone: 202 358-2432

**RIN:** 2700-AB51**3990. MERITORIOUS CLAIMS ARISING FROM THE CONDUCT OF NASA FUNCTIONS UNDER 42 U.S.C. 2473(C)(13)****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2473; 31 USC 3104**CFR Citation:** 14 CFR 1267**Legal Deadline:** None**Abstract:** This rule would establish NASA policies and procedures for meritorious claims, other than Federal Tort Claims Act claims or claims otherwise covered under 14 CFR part 1261, arising from the conduct of NASA functions and pursuant to 203(c)(13) of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2473(c)(13)).**Timetable:**

Action	Date	FR Cite
NPRM	12/21/99	64 FR 71339
NPRM Comment Period End	02/22/00	
Final Action	01/00/01	

**Regulatory Flexibility Analysis Required:** Undetermined**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Bernard J. Roan, Senior Attorney, National Aeronautics and Space Administration, Office ofAssociate General Counsel (Contracts), Washington, DC 20546  
Phone: 202 358-2072**RIN:** 2700-AC35**3991. NASA STANDARDS OF CONDUCT****Priority:** Info./Admin./Other**Legal Authority:** 5 USC appendix (Ethics in Government Act of 1978, as amended); 5 USC 7301; 18 USC 208; 42 USC 2473(c)(1); 15 CFR part 2640**CFR Citation:** 14 CFR 1207.102**Legal Deadline:** None**Abstract:** Changes in references that are obsolete because of superseding Office of Government Ethics regulations and internal Agency reorganization.

Deletion of section to conform with superseding regulation (5 CFR 2640); revision of remainder to reflect organization changes.

This action is not required by action or court order. The changes are being made to recind or amend NASA regulations that have already been published, pursuant to 42 U.S.C. 2473(c)(1).

Because the Agency is conforming with Office of Government Ethics regulations (5 CFR 2640), there are no alternatives to revision.

## NASA

## Final Rule Stage

**Timetable:**

Action	Date	FR	Cite
Interim Final Rule	01/00/01		

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Sectors Affected:** None

**Agency Contact:** Richard Andrew Falcon, Senior Attorney, National Aeronautics and Space Administration, Code GG, Office of the General Counsel, Washington, DC 20546  
 Phone: 202 358-2028  
 Fax: 202 358-4355  
 Email: afalcon@hq.nasa.gov

**RIN:** 2700-AC37**3992. • USE OF SMALL SELF-CONTAINED PAYLOAD****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Unfunded Mandates:** Undetermined

**Legal Authority:** 42 USC 2473(c)(1), sec 203(c)(1); 42 USC 2465a and 2465d, sec 112 and 204, PL 101-661; 42 USC 14701 et seq, PL 101-611

**CFR Citation:** 14 CFR 1214.9**Legal Deadline:** None

**Abstract:** This revised rule replaces 14 CFR part 1214.9 "Use of Small Self-Contained Payloads" and incorporates language from 14 CFR part 1214.10

"Special Policy on Use of Small Self-Contained Payloads (SSCP's) by Domestic Educational Institutions" and therefore deleting 14 CFR part 1214.10.

This revision ensures that NASA will continue to offer domestic educational institutions lower prices, relative to other users, for standard launch services and provides the domestic educational institutions a high priority ranking opportunity in the flight scheduling process of manifesting GAS payloads.

The domestic educational institutions are still required to meet certain criteria and agree to certain provisions established by NASA. However, NASA is changing the pricing structure for a defined group of Class I, domestic educational institutions based on the payload user classification, payload weight, and volume and depending on services required.

Also, with this revision, NASA established four classes of SSCP payloads, changed the definitions for Class II and Class III payloads, and created a separate classification,

Class IV, for international payload customers. NASA has redefined the flight rotation process to incorporate the new classification. In redefining the flight rotation process, NASA provides the domestic educational institutions a higher priority ranking opportunity in the flight scheduling process of manifesting GAS payloads.

The option for transfer of ownership has been deleted from the policy. The requirements, such as payment schedules and detailed terms of postponement and cancellation, have been deleted from the CFR and will be addressed in the Launch Services Agreement, the binding contract between NASA and the customer.

**Timetable:**

Action	Date	FR	Cite
Direct Final Rule	10/00/00		

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Lynda J. Cywanowicz, Chief of Staff, Space Flight Operations, National Aeronautics and Space Administration, Code M-7, NASA Headquarters, Office of Space Flight, 300 E Street SW, Washington, DC 20546

Phone: 202 358-1673

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**RIN:** 2700-AC39**3993. • CODE OF CONDUCT FOR INTERNATIONAL SPACE STATION CREW**

**Regulatory Plan:** This entry is Seq. No. 149 in Part II of this issue of the Federal Register.

**RIN:** 2700-AC40

## National Aeronautics and Space Administration (NASA)

## Long-Term Actions

**3994. TRACKING AND DATA RELAY SATELLITE SYSTEM; USE AND REIMBURSEMENT POLICY FOR NON-U.S. GOVERNMENT USERS****Priority:** Info./Admin./Other**CFR Citation:** 14 CFR 1215**Timetable:**

Action	Date	FR	Cite
Final Action for CY 1993 Rate Change	05/15/92	57 FR	20746
Final Action for CY 1994 Rate Change	09/28/93	58 FR	50515
Final Action for CY 1995 Rate Change	10/31/94	59 FR	54385
Final Action for CY 1997 Rate Change	05/15/95	60 FR	25843
Next Action Undetermined			

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Joseph LaCurto  
 Phone: 202 358-2764

**RIN:** 2700-AA29**3995. MISCELLANEOUS ADMINISTRATIVE CHANGES TO THE NASA FEDERAL ACQUISITION REGULATION SUPPLEMENT (NFS)****Priority:** Info./Admin./Other**CFR Citation:** 48 CFR 1801 to 1872**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Celeste M. Dalton  
 Phone: 202 358-1645  
 Email: cdalton@hq.nasa.gov

**RIN:** 2700-AC33**3996. GRANT AND COOPERATIVE AGREEMENT HANDBOOK****Priority:** Substantive, Nonsignificant**CFR Citation:** 14 CFR 1260; 14 CFR 1274**Timetable:**

Action	Date	FR	Cite
ANPRM	12/29/98	63 FR	71609
ANPRM Comment Period End	09/10/99		

## NASA

## Long-Term Actions

Action	Date	FR Cite
NPRM	09/16/99	64 FR 50334
NPRM Comment Period End	11/15/99	
Next Action Undetermined		

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Diane S. Thompson  
Phone: 202 358-0514  
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Email: dthompso@hq.nasa.gov  
**RIN:** 2700-AC34

## National Aeronautics and Space Administration (NASA)

## Completed Actions

### 3997. INSPECTION OF PERSONS AND PERSONAL EFFECTS AT NASA INSTALLATIONS OR ON NASA PROPERTY; TRESPASS OR UNAUTHORIZED INTRODUCTION OF WEAPONS OR DANGEROUS MATERIALS

**Priority:** Info./Admin./Other

**CFR Citation:** 14 CFR 1204

**Completed:**

Reason	Date	FR Cite
Interim Final Rule Effective	05/18/00	
Final Rule	08/03/00	65 FR 47663
Final Rule Effective	08/03/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Mark Rinaldo Borsi  
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**RIN:** 2700-AC38

### 3998. • NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

**Priority:** Other Significant

**Legal Authority:** 20 USC 1681, 1682, 1683, 1685, 1686, 1687, 1688

**CFR Citation:** 14 CFR 1250; 14 CFR 1253 (NEW)

**Legal Deadline:** None

**Abstract:** NASA published its regulations implementing title IX of the Education Amendments of 1972 as a common rule with other agencies that need title IX regulations. Title IX of the Education Amendments of 1972, as amended, prohibits discrimination on the basis of an individual's sex in federally assisted educational programs.

**Timetable:**

Action	Date	FR Cite
NPRM	10/29/99	
NPRM Comment Period End	12/28/99	
Final Action	08/30/00	65 FR 52858

**Regulatory Flexibility Analysis  
Required:** No

**Government Levels Affected:** State, Local

**Agency Contact:** George E. Reese, Office of General Counsel, Code GG, National Aeronautics and Space Administration, NASA Headquarters, Code E, 300 E Street SW, Washington, DC 20546  
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**RIN:** 2700-AC42

[FR Doc. 00-22726 Filed 11-29-00]

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